

# **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

ERBO PROPERTIES, LLC, *et al.*<sup>1</sup>,  
  
Debtors.

Chapter 11

Case No. 23-10210 (LGB)

Jointly Administered

**ORDER MODIFYING THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 2023, upon consideration of the *Motion Of 541 W 21 SME LLC For An Order Terminating The Automatic Stay Pursuant To 11 U.S.C. § 362* and Other Related Relief (the “Motion”)<sup>2</sup>, and there being good and sufficient cause shown, it is hereby:

**ORDERED** that the Motion is granted as set forth herein for the reasons stated on the record at the hearing conducted on the Motion on July 12, 2023; and it is further

**ORDERED** that the automatic stay provided for under Section 362 of the Bankruptcy Code is hereby lifted to permit SME to act in accordance with the terms of the within Order, including to exercise and enforce all of its rights and remedies against the Pledged Interests in accordance with the provisions of the Mezzanine Loan Documents, applicable bankruptcy law, and applicable state law; and it is further

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<sup>1</sup> The Debtors are ERBO Properties LLC (EIN x9179), Case No.: 23-10210, with a mailing address at 551 Bedford Avenue, Brooklyn, NY 11211; KOVA 521, LLC (EIN x9972), Case No.: 23-10211, with a mailing address at 551 Bedford Avenue, Brooklyn, NY 11211; and Gold Mezz LLC (EIN x4741), Case No.: 23-10212, with a mailing address at 551 Bedford Avenue, Brooklyn, NY 11211

<sup>2</sup> Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to such terms in the Motion.

**ORDERED** that SME shall transfer and possess either in its own name or the name of the designee of SME the Pledged Interests of Kova, and thereby exclusively control the Erbo debtor and the Kova debtor in these Bankruptcy Cases, in SME's sole discretion, for any and all purposes, including the filing of a plan of reorganization; and it is further

**ORDERED** Erno Bodek, Rachel Bodek and Lazzar Bodek (the "Bodek Family"), who hold the equity interests in Gold Mezz LLC and Erno Bodek, the managing member of each of the Debtors shall immediately relinquish all rights and control that each hold in the Erbo debtor and the Kova debtor to SME or the designee of SME; and it is further

**ORDERED** that if SME proceeds with the filing and confirmation of the Plan, the Plan shall provide the following: That the conveyance of the Pledged Interests to SME are pursuant to the Plan and that no mortgage recording tax or transfer taxes will be owed on the within transfer since same is in connection with or in contemplation of the Plan to the fullest extent permitted by Section 1146(a) of the Bankruptcy Code, which includes any New York City Real Property Transfer Tax or New York State Real Estate Transfer Tax which may be triggered by the transfer of the Pledged Interests as well as any mortgage recording tax imposed under Article 11 of the New York State Tax Law or any similar law triggered by the transfer of the Pledged Interests; provided, however, that notice of such provision shall be served on the appropriate taxing authority; and it is further

**ORDERED** that SME is authorized to take all action necessary to effectuate the terms of this Order; and it is further

**ORDERED** that the fourteen (14) day stay provided for under Bankruptcy Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is hereby waived and this Order is effective immediately; and it is further

**ORDERED** that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: \_\_\_\_\_, 2023

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HONORABLE LISA G. BECKERMAN  
UNITED STATES BANKRUPTCY JUDGE